

EXHIBIT B

From: Mangas, Russell (CH)
Sent: Tuesday, July 14, 2020 8:56 PM
To: Cravens, William S.D.; pgrossman@nyclu.org; Levine, Randall Mark; Butler, David J.
Cc: Salomon, Claudia (NY); Faris, Michael (CH); Clubok, Andrew (DC); Turner, Serrin (NY); Zubick, Marc (CH/NY); Calabrese, Corey (NY); Kollm, Clara; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH); Dameron, Charles (DC)
Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Will,

I don't think I'm being unclear here. It is part of the trial record that Morgan Lewis failed to provide our written pre-trial settlement offers to black board members and delegated certain settlement communications to Harry Grossman who disingenuously discouraged black board members from attending the pre-trial settlement conference. What I am asking you to confirm is whether Morgan Lewis shared our post-trial settlement offer to donate or waive our fees with all members of the school board or only the white board members. Please answer that question.

Thank you,

Russ
312-330-1866
Sent with BlackBerry Work
(www.blackberry.com)

From: Cravens, William S.D. <william.cravens@morganlewis.com>
Date: Tuesday, Jul 14, 2020, 7:32 PM
To: Mangas, Russell (CH) <Russell.Mangas@lw.com>, pgrossman@nyclu.org <pgrossman@nyclu.org>, Levine, Randall Mark <randall.levine@morganlewis.com>, Butler, David J. <david.butler@morganlewis.com>
Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>, Faris, Michael (CH) <Michael.Faris@lw.com>, Clubok, Andrew (DC) <Andrew.Clubok@lw.com>, Turner, Serrin (NY) <Serrin.Turner@lw.com>, Zubick, Marc (CH/NY) <Marc.Zubick@lw.com>, Calabrese, Corey (NY) <Corey.Calabrese@lw.com>, Kollm, Clara <clara.kollm@morganlewis.com>, arthur.eisenberg@nyclu.org <arthur.eisenberg@nyclu.org>, Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>, Dameron, Charles (DC) <Charles.Dameron@lw.com>
Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Russ: I told you in my June 19 email that your term sheet would be presented to the Board on June 23, and it was.

William S.D. Cravens

Morgan, Lewis & Bockius LLP

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william.cravens@morganlewis.com | www.morganlewis.com
Assistant: Linda Vaonakis | +1.202.739.5297 | linda.vaonakis@morganlewis.com

From: Russell.Mangas@lw.com <Russell.Mangas@lw.com>

Sent: Tuesday, July 14, 2020 1:28 PM

To: Cravens, William S.D. <william.cravens@morganlewis.com>; pgrossman@nyclu.org; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>
Cc: Claudia.Salomon@lw.com; Michael.Faris@lw.com; Andrew.Clubok@lw.com; Serrin.Turner@lw.com; Marc.Zubick@lw.com; Corey.Calabrese@lw.com; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; KENNETH.SCHULER@lw.com; Charles.Dameron@lw.com
Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

[EXTERNAL EMAIL]

Will,

We have not heard back from you on this. Did you provide our offer and term sheet to all members of the school board?

Thanks,

Russell Mangas

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611
D: +1.312.876.7697

From: Mangas, Russell (CH)

Sent: Wednesday, July 8, 2020 2:54 PM

To: 'Cravens, William S.D.' <william.cravens@morganlewis.com>; pgrossman@nyclu.org; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY) <Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>; Dameron, Charles (DC) <Charles.Dameron@lw.com>; Cusick, Meredith (NY) <Meredith.Cusick@lw.com>

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Thanks Will. Did you provide our offer and term sheet to all members of the Board?

Russell Mangas

LATHAM & WATKINS LLP

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D: +1.312.876.7697

From: Cravens, William S.D. <william.cravens@morganlewis.com>

Sent: Wednesday, July 8, 2020 2:52 PM

To: Mangas, Russell (CH) <Russell.Mangas@lw.com>; pgrossman@nyclu.org; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY) <Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>; Dameron, Charles (DC) <Charles.Dameron@lw.com>; Cusick, Meredith (NY) <Meredith.Cusick@lw.com>

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Russ: The District does not oppose your request for 3,000 extra words. The District considered and is not interested in pursuing your proposed term sheet.

Best regards,
Will

William S.D. Cravens

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

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Assistant: Linda Vaonakis | +1.202.739.5297 | linda.vaonakis@morganlewis.com

From: Russell.Mangas@lw.com <Russell.Mangas@lw.com>

Sent: Wednesday, July 8, 2020 3:48 PM

To: Cravens, William S.D. <william.cravens@morganlewis.com>; pgrossman@nyclu.org; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Claudia.Salomon@lw.com; Michael.Faris@lw.com; Andrew.Clubok@lw.com; Serrin.Turner@lw.com; Marc.Zubick@lw.com; Corey.Calabrese@lw.com; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; KENNETH.SCHULER@lw.com; Charles.Dameron@lw.com; Meredith.Cusick@lw.com

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Importance: High

[EXTERNAL EMAIL]

Will,

Please get back to me on these questions today. We plan to file our request for an additional 3,000 words this afternoon and need to inform the Court as to your position. I'm reattaching Corey's June 12 email which conditioned our agreement not to oppose your motion to file an oversized brief on your agreement not to oppose the same motion from us.

Thanks,

Russell Mangas

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611

D: +1.312.876.7697

From: Mangas, Russell (CH)

Sent: Wednesday, July 8, 2020 11:37 AM

To: 'Cravens, William S.D.' <william.cravens@morganlewis.com>; pgrossman@nyclu.org; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY) <Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Will,

We never heard back from you on our proposal to settle the case. Please confirm whether you shared our term sheet with the full Board on June 23 and, if so, whether it intends to respond.

Separately, we intend to seek leave from the 2d Cir. for an additional 3,000 words to respond to the District's oversized appellate brief. Please confirm that the District does not oppose that request.

Best,

Russell Mangas

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611

D: +1.312.876.7697

From: Cravens, William S.D. <william.cravens@morganlewis.com>

Sent: Sunday, June 21, 2020 3:29 PM

To: Mangas, Russell (CH) <Russell.Mangas@lw.com>; pgrossman@nyclu.org; Levine, Randall Mark

<randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY)

<Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Kollm, Clara

<clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Russ:

For the reasons explained in my June 12 email, Plaintiffs are not entitled to information regarding the costs incurred by the District in defense of this litigation at this time. If there is additional information that you believe would be useful for the District to consider with respect to your proposed "term sheet," I encourage you to provide it in writing.

As indicated in my June 19 email, we do not believe that it would be a productive use of time to discuss your proposed "term sheet" or the proposed remedial plan with you before we have had a chance to meet with the Board on Tuesday. If there is a basis for discussion following that meeting, we will let you know promptly.

Best regards,

William S.D. Cravens

Morgan, Lewis & Bockius LLP

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Assistant: Linda Vaonakis | +1.202.739.5297 | linda.vaonakis@morganlewis.com

From: Russell.Mangas@lw.com <Russell.Mangas@lw.com>

Sent: Saturday, June 20, 2020 10:11 AM

To: Cravens, William S.D. <william.cravens@morganlewis.com>; pgrossman@nyclu.org; Levine, Randall Mark

<randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Claudia.Salomon@lw.com; Michael.Faris@lw.com; Andrew.Clubok@lw.com; Serrin.Turner@lw.com;

Marc.Zubick@lw.com; Corey.Calabrese@lw.com; Kollm, Clara <clara.kollm@morganlewis.com>;

arthur.eisenberg@nyclu.org; KENNETH.SCHULER@lw.com; Russell.Mangas@lw.com

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

[EXTERNAL EMAIL]

Will,

We are happy to meet and confer to discuss your questions. For that discussion to be productive the information sharing needs to go both ways. Under clearly established precedent, opposing counsel's fees are a relevant fact in determining a fee award. *See, e.g., Frommert v. Conkright*, 223 F. Supp. 3d 140, 151-52 (W.D.N.Y. 2016) ("Defendants' fees are also germane ... Bearing in mind that there need not be absolute parity between the fees paid by defendants and the fees sought by plaintiffs, I find that defendants' billing records support the use of rates in excess of what might ordinarily be typical for this district. Without going into detail, suffice it to say that plaintiffs' claimed rates are at least consonant with defense counsel's rates"). You have not provided any legitimate reason not to disclose that information which would aid in resolving this dispute without further litigation. I note that the District's 2d Cir. appeal has no bearing on the trial fee petition because both the Court and the 2d. Cir denied the District's request to stay those proceedings pending appeal. Please confirm that you will provide your fees and costs to us and let me know when you would like to meet and confer.

Your refusal to provide the District's draft ward proposal or to meet and confer prior to filing it clearly violates the Court's directive to the parties to try and reach agreement. By refusing to meet and confer prior to filing you are not only charging the District for work (drafting an opening brief) that may not be necessary, you will force Plaintiffs to begin preparing a response that will ultimately be chargeable to the District under the Court's fee award. Your refusal to follow the Court's directive is directly depriving the District's budget of funds that could otherwise go to the schools and is depriving the parties of the opportunity to collaborate and share knowledge early in the process when it could be most productive. We ask you to reconsider your position and immediately provide us with your draft proposal and a time that you are available to meet and confer. Please let us know this weekend.

Best,

Russell Mangas

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611

D: +1.312.876.7697

From: Cravens, William S.D. <william.cravens@morganlewis.com>

Sent: Friday, June 19, 2020 5:43 PM

To: Mangas, Russell (CH) <Russell.Mangas@lw.com>; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY) <Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Russ:

Thank you for sending the proposed term sheet, and we will discuss it with the Board in executive session at the meeting scheduled for Tuesday, June 23. Obviously, we will not be able to provide any substantive response before we have had that discussion. I should note, however, that your proposal raises several threshold questions that will likely come up during any discussion with the Board, including:

- 1) What portion of the estimated \$12+ million total is attributable to costs (including expert costs) vs. fees?
- 2) What portion of the fees and costs (if any) is attributable to NYCLU?
- 3) Why is NYCLU not identified as a party to the proposed agreement?

- 4) How would donating the fees to a charity to support public school children mitigate the harm to the District's budget – and to the District's programs for public school children – that would result from a \$12 million fee award?
- 5) How is Latham's request for \$12 million in fees consistent with its repeated claims to represent the Plaintiffs as pro bono counsel?
- 6) What is the relevance of defense costs paid by the District to the amount of fees and costs sought by the Plaintiffs?
- 7) Why is the proposed settlement not premature in light of the accelerated appeal?

With respect to your request to discuss the District's proposed remedial plan, I note that the court "urge[d] the parties to reach agreement on the proposed remedial plan if possible." (ECF 568 ¶88 n.63). The Court did not order discussions to take place before the District has made its initial proposal, and there will be ample opportunity for discussion after the District submits its proposal on June 25 and before the Plaintiffs submit their response 30 days thereafter. Indeed, the discussions are more likely to be productive if the Plaintiffs have the benefit of a complete proposal, approved by the Board, for consideration.

Best regards,
Will

William S.D. Cravens

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william.cravens@morganlewis.com | www.morganlewis.com

Assistant: Linda Vaonakis | +1.202.739.5297 | linda.vaonakis@morganlewis.com

From: Russell.Mangas@lw.com <Russell.Mangas@lw.com>

Sent: Thursday, June 18, 2020 6:00 PM

To: Cravens, William S.D. <william.cravens@morganlewis.com>; pgrossman@nyclu.org; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Claudia.Salomon@lw.com; Michael.Faris@lw.com; Andrew.Clubok@lw.com; Serrin.Turner@lw.com; Marc.Zubick@lw.com; Corey.Calabrese@lw.com; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; KENNETH.SCHULER@lw.com; Russell.Mangas@lw.com

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

[EXTERNAL EMAIL]

Will,

Attached is a term sheet laying out our proposal for settlement. Please confirm that Morgan Lewis has presented this settlement proposal to the Board, consistent with your June 12 email, and let us know when we can expect a response.

Finally, you have not responded to either of my two emails seeking to engage in the Court-ordered meet and confer regarding the creation of the ward election plan. Specifically, the Court directed us to work together on and attempt to reach agreement on that plan. See ECF No. 568 at ¶¶ 88 n.63. Please let us know immediately a date on which you will provide your draft proposal and a time we can discuss. Given the complexity of that plan, each day that the District neglects to engage on this issue decrease the chance that we can come to an agreement and increases the costs to both sides (and the Court) of having to litigate it. We would prefer to work productively, as the Court has directed, to get this done.

Best,

Russell Mangas

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611

D: +1.312.876.7697

From: Cravens, William S.D. <william.cravens@morganlewis.com>

Sent: Monday, June 15, 2020 2:45 PM

To: Mangas, Russell (CH) <Russell.Mangas@lw.com>; Levine, Randall Mark

<randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY)

<Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Kollm, Clara

<clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Russ:

As I indicated, we are willing to discuss Plaintiffs' application for attorneys' fees in an effort to resolve the issue without additional briefing, but we do not believe a conference call would be productive at this stage. If you would like to make a specific proposal in writing for us to consider, that would allow us to respond and would establish the framework for a productive discussion.

Best regards,

William S.D. Cravens

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Assistant: Linda Vaonakis | +1.202.739.5297 | linda.vaonakis@morganlewis.com

From: Russell.Mangas@lw.com <Russell.Mangas@lw.com>

Sent: Monday, June 15, 2020 10:49 AM

To: Cravens, William S.D. <william.cravens@morganlewis.com>; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Claudia.Salomon@lw.com; Michael.Faris@lw.com; Andrew.Clubok@lw.com; Serrin.Turner@lw.com; Marc.Zubick@lw.com; Corey.Calabrese@lw.com; Kollm, Clara <clara.kollm@morganlewis.com>;

arthur.eisenberg@nyclu.org; KENNETH.SCHULER@lw.com

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

[EXTERNAL EMAIL]

Will,

Our requests for information regarding Morgan Lewis's fees and copies of its invoices were made for the purpose of facilitating discussion in the hopes that the parties could perhaps avoid the additional time and cost of some or all of the briefing and litigation you describe below. We are available to discuss tomorrow morning or any time Wednesday except for 11-12 EST. Please let us know what time works best for you.

Best,

Russell Mangas

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611
D: +1.312.876.7697

From: Cravens, William S.D. <william.cravens@morganlewis.com>
Sent: Friday, June 12, 2020 4:17 PM
To: Mangas, Russell (CH) <Russell.Mangas@lw.com>; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>
Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY) <Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Kollm, Clara <clara.kollm@morganlewis.com>; arthur.eisenberg@nyclu.org; Schuler, Kenneth (CH) <KENNETH.SCHULER@lw.com>
Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

Russ:

Any discovery of the attorneys' fees incurred by the District in defense of this case would be premature (including under the case you have cited below), because (i) the District has appealed the decision, (ii) Plaintiffs haven't submitted any fee application or made any showing under the usual Lodestar factors, and the District has not responded to the fee application and challenged the reasonableness of Plaintiffs' attorneys' rates, staffing, or hours worked, and (iii) the District's defense costs have no bearing on the *prima facie* showing Plaintiffs are required to make under the Lodestar factors.

That said, in accordance with the Court's direction, we are of course willing to discuss Plaintiffs' request for attorneys' fees before you file your application on June 25, and will bring any proposal you would like to make to the Board at the first opportunity.

William S.D. Cravens

Morgan, Lewis & Bockius LLP

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william.cravens@morganlewis.com | www.morganlewis.com

Assistant: Linda Vaonakis | +1.202.739.5297 | linda.vaonakis@morganlewis.com

From: Russell.Mangas@lw.com <Russell.Mangas@lw.com>

Sent: Thursday, June 11, 2020 4:26 PM

To: pgrossman@nyclu.org; Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Claudia.Salomon@lw.com; Michael.Faris@lw.com; Andrew.Clubok@lw.com; Serrin.Turner@lw.com; Marc.Zubick@lw.com; Corey.Calabrese@lw.com; nyclueastramapovotingrights.lwteam@lw.com; Kollm, Clara <clara.kollm@morganlewis.com>; Cravens, William S.D. <william.cravens@morganlewis.com>; arthur.eisenberg@nyclu.org; KENNETH.SCHULER@lw.com

Subject: RE: NAACP v. East Ramapo Central School District, 17-CV-8943

[EXTERNAL EMAIL]

Randy and David,

In the Court's May 25, 2020 Decision and Order, the Court urged the parties to reach agreement on both the proposed remedial plan and Plaintiffs' fee award. See ECF No. 568 at ¶¶ 88 n.63, 89. Please let us know when you are available to meet and confer regarding these issues.

With respect to the fee award, the amount Morgan Lewis has charged the District is relevant to the amount of a reasonable attorneys' fee award. As such, discovery of opposing counsel's fees is typical in fee award litigation. *See, e.g., Regeneron Pharmaceuticals, Inc. v. Merus N.V.*, No. 14-cv-1650, Dkt. 487 (S.D.N.Y. Jun. 25, 2018). To save time and expense, and to get the discussion process started, we would appreciate if you would provide us with the total amount of Morgan Lewis's fees and expenses from the inception of this case through the present, as well as copies of the invoices that Morgan Lewis has sent to the District in respect of those fees and expenses.

Thank you,

Russell Mangas

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611

D: +1.312.876.7697

From: Perry Grossman <pgrossman@nyclu.org>

Sent: Monday, June 1, 2020 11:59 AM

To: Levine, Randall Mark <randall.levine@morganlewis.com>; Butler, David J. <david.butler@morganlewis.com>

Cc: Salomon, Claudia (NY) <Claudia.Salomon@lw.com>; Faris, Michael (CH) <Michael.Faris@lw.com>; Clubok, Andrew (DC) <Andrew.Clubok@lw.com>; Turner, Serrin (NY) <Serrin.Turner@lw.com>; Zubick, Marc (CH/NY) <Marc.Zubick@lw.com>; Calabrese, Corey (NY) <Corey.Calabrese@lw.com>; Mangas, Russell (CH) <Russell.Mangas@lw.com>; #C-M NYCLU - EAST RAMAPO VOTING RIGHTS - LW TEAM <nyclueastramapovotingrights.lwteam@lw.com>; Kollm, Clara <clara.kollm@morganlewis.com>; Cravens, William S.D. <william.cravens@morganlewis.com>; Art Eisenberg <arthur.eisenberg@nyclu.org>

Subject: Re: NAACP v. East Ramapo Central School District, 17-CV-8943

Randy and David:

I do not believe we ever received a response to this. Please let us know (a) by when the District will have sent out all absentee ballots to ensure that voters are able to return their ballot in time to meet the June 9 deadline set by Executive Order 202.26; and (b) whether the District has sent or will send out postcards to advise voters that the budget and library trustee votes are not enjoined, per ECF No. 573. In addition, please let us know when you are available later today or tomorrow for a meet and confer on next steps.

Thanks,

Perry

Perry Grossman

Pronouns: he/him/his

Senior Staff Attorney

Voting Rights Project

New York Civil Liberties Union

125 Broad St., New York, NY 10004

■ 212.607.3347 ■ www.nyclu.org



From: Perry Grossman <pgrossman@nyclu.org>

Date: Wednesday, May 27, 2020 at 5:01 PM

To: "Levine, Randall Mark" <randall.levine@morganlewis.com>, "Butler, David J." <david.butler@morganlewis.com>

Cc: Claudia Salomon <claudia.salomon@lw.com>, "Michael.Faris@lw.com" <Michael.Faris@lw.com>, "Andrew.Clubok@lw.com" <Andrew.Clubok@lw.com>, "Serrin.Turner@lw.com" <Serrin.Turner@lw.com>, "Marc.Zubick@lw.com" <Marc.Zubick@lw.com>, "Corey.Calabrese@lw.com" <Corey.Calabrese@lw.com>, "Russell.Mangas@lw.com" <Russell.Mangas@lw.com>, "nyclueastramapovotingrights.lwteam@lw.com" <nyclueastramapovotingrights.lwteam@lw.com>, "Kollm, Clara" <clara.kollm@morganlewis.com>, "Cravens, William S.D." <william.cravens@morganlewis.com>

Subject: NAACP v. East Ramapo Central School District, 17-CV-8943

Randy and David,

Per the Court's May 25, 2020 decision and order, the District is enjoined "from holding any further elections under its at-large system, including the elections currently scheduled for June 9, 2020." ECF 568 at 75. We understand that a Board meeting last night, the Board voted 5-3 to authorize an appeal of the decision and an application for a stay of the ruling to allow the June 9, 2020 election to go forward with the school board contests under the at-large system that the Court ruled to violate Section 2 of the Voting Rights Act.

Notwithstanding any forthcoming stay application, please let us know what steps the District is currently taking to comply with Judge Seibel's order at this time and to mitigate any costs associated with delaying the contests for the school board seats.

In addition to any other relevant information, please let us know whether the District has already begun the process of printing ballots that include the school board contests for the June 9, 2020 election? If so, (a) when were those ballots sent to the printer; (b) was printing of the ballots completed as of yesterday, May 26, 2020?; and (c) if not, did the District instruct the printer to stop printing on those ballots? If the District has completed printing ballots for the June 9, 2020 election, had the District mailed any of those ballots out to voters as of yesterday? If not, has the District directed its employees, contractor, or other agents not to send out ballots that include school board contests under the at large system?

Finally, if the District has sent out to ballots to voters, approximately how many ballots have been sent out to voters?

There are undoubtedly other things we should discuss. Please let us know your availability for a call later this week to make sure we proceed in an orderly (and cost-effective) manner.

Sincerely,

Perry

Perry Grossman

Pronouns: he/him/his

Senior Staff Attorney

Voting Rights Project

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